

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

February 3, 2003  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: None.

1. Executive Session

Mayor Marshall opened the meeting at 6:00 p.m. and announced recess to Executive Session for approximately 20 minutes to discuss one item of pending litigation. The Study Session resumed at 6:18 p.m. with Mayor Marshall presiding.

2. Study Session

(a) Franchise Renewal – Cable Television Needs Ascertainment Report

City Manager Steve Sarkozy said the purpose of this agenda item is to review the Cable Television Needs Ascertainment Report associated with renewal of the city's cable television franchise. The franchise contract with Comcast Communications (formerly AT&T Broadband) expires in July 2004.

Nora Johnson, Transportation Assistant Director, said tonight's presentation is the first of several in the process of renewing the cable television franchise with Comcast. Staff will return in September to provide an update on negotiations and to discuss the costs associated with the community's needs.

Ms. Johnson noted that cable and broadband services are a priority for Bellevue citizens. In the past, the City worked with AT&T Broadband to upgrade their network and improve services for residents. The process of identifying community needs is defined in federal law under Section 626 of the Cable Act. The failure of a service provider to meet identified community needs can be used to justify the denial of a franchise renewal.

David Kerr, Franchise Manager, said AT&T met the requirement to complete the upgrade of its network by the end of 2002 and broadband internet services are now available throughout the city. Comcast serves approximately 29,000 subscribers in Bellevue. Regarding the franchise renewal process, Mr. Kerr said draft agreements will be discussed with Council early in 2004.

Mr. Kerr said the community needs process involved distributing 7,000 surveys to citizens, schools, neighborhood associations, nonprofit groups, and city government departments. Of these, 1,500 were returned which Mr. Kerr noted is a high response rate for surveys. The survey was also posted online and nearly 300 people completed the survey by this method. In addition, focus groups and a community forum were held and a technical review and franchise fee audit were conducted.

Mr. Kerr reviewed the survey results. Approximately 71 percent of respondents rated overall satisfaction with cable service as good or excellent, 16 percent rated it poor or very poor, and 12 percent did not know. Regarding the quality and variety of cable programming, 66 percent are satisfied or very satisfied and 29 percent are dissatisfied or very dissatisfied. Mr. Kerr noted the survey was conducted while AT&T was completing its system upgrade and residents were experiencing fluctuations and disruptions in service. The cost of cable television appears to be the biggest issue with 32 percent satisfied or very satisfied and 63 percent dissatisfied or very dissatisfied. Mr. Kerr said local governments do not have authority over cable rates except to review basic cable rates and ensure conformance with the FCC-prescribed formulas for establishing basic rates.

Turning to customer service, Mr. Kerr said 56 percent of survey respondents indicate the quality of customer service stayed the same, 20 percent felt it improved somewhat, and 6 percent said it improved a lot. 79 percent of respondents consider customer service standards a high priority in terms of franchise renewal and 18.5 percent consider it a medium priority. In response to a question regarding the desirability of additional upgrades during a new franchise period, 93.5 percent consider improved technologies an important priority and 84 percent consider expanded channels an important priority. Similarly, 84 percent consider fiber networks for the City and/or schools an important priority.

In reference to replacement equipment for BTV and Bellevue Community College, 27 percent of survey respondents reported watching BTV, 68 percent identified local community programming as a medium or high renewal priority, 55 percent rated government meeting programming with medium or high importance, and 80 percent rated educational programming as important. The current franchise agreement provides free cable service for schools and 84 percent of survey respondents identified high-speed Internet access a priority for schools, libraries, and nonprofit organizations.

In terms of general service, 63 percent of respondents considered a local/Eastside full-service cable office to be an important franchise objective. Nearly 90 percent of respondents considered competitive choice an important priority for cable TV, broadband Internet, and local phone service. Mr. Kerr said a local government can establish a franchise agreement that reserves the City's rights on allowing open, competitive access to cable TV services. Millennium Digital Media currently serves approximately 1,000 Bellevue customers.

Mr. Kerr reviewed the next steps in the franchise renewal process:

- September – Return to Council with a status report, identify costs associated with priorities and options for meeting community needs.

- January 2004 – Update Council on cable franchise renewal, complete follow-up survey, and update community needs and interests.
- March 2004 – Present proposed franchise agreement at Council Study Session.
- June 2004 – Present final franchise agreement.
- July 2004 – Council action on final franchise agreement.

Responding to Mr. Noble, Mr. Kerr said a statistically valid sample of 724 surveys was compiled by the survey consultant in order to expedite the survey results. However all 1,500 surveys were counted. Mr. Noble stated his preference for a “most favored nation” clause in the franchise agreement in which Bellevue would receive any upgrade completed for another jurisdiction in the surrounding area.

Mr. Mosher feels it is significant that one-third of survey respondents are unhappy with the programming and two-thirds are dissatisfied with the cost of cable services. He feels a local office is important in terms of delivering high-quality customer service.

Dr. Davidson described concerns about service disruptions, poor customer service, and the lack of communication from the cable company.

Responding to Mr. Lee, Mr. Kerr said the cable provider is required to obtain a right-of-way use permit to work or dig in the right-of-way. However, working on private property is handled differently.

Responding to Mr. Noble regarding programming, Mr. Kerr said the City can only require broad categories of programming while the number of channels is a technical requirement addressed separately from types of programming.

Following additional brief discussion, Ms. Johnson offered to provide complete survey results to Councilmembers.

Mayor Marshall thanked staff for the presentation. She asked staff to talk to the Renton and Issaquah School Districts as well as private schools to assess their needs. She feels future upgrading of the system is important.

(b) Eastgate Park Master Plan – South Bellevue Community Center

Parks and Community Services Director Patrick Foran introduced Glenn Kost, Division Manager, and Ken Kroeger, Project Manager for the Eastgate Park Master Plan project. Eastgate Park was recently acquired by the City and the purpose of tonight’s presentation is to discuss the next steps including the environmental, regulatory, and public processes.

Mr. Kost said the need for the Eastgate Park Master Plan was identified in the 1987 Park Plan and through a series of community surveys both before and since 1987. In 1998, funding was approved for a South Bellevue Community Center. Existing community centers include North Bellevue, Highland, Crossroads, and Northwest Arts Center. A South Bellevue Community

Center Citizen Advisory Committee (CAC) was created in 1998, resulting in recommendations for the following features/characteristics:

- Multi-generational, full-service center with athletic space and social/community space.
- Flexible, multi-use spaces totaling approximately 32,000 square feet.
- An operating partnership with Bellevue Boys and Girls Club.
- Eastgate Park identified as a preferred site due to its central location, good access, adequate size, and best connection to the outdoors. A total of eight sites were analyzed including five school district properties.

Eastgate Park covers 25 acres containing two tennis courts, a small picnic area and playground, a baseball field, and a forested hillside with walking trails.

Following the CAC recommendation, the master planning process extended from January 1999 through May 2000 and included 12 public meetings and three public hearings before the Parks and Community Services Board. Throughout the public process, community concerns addressed noise, traffic, pedestrian safety, and environmental impacts associated with the proposed community center. Additional site features that raised concerns were a skate park, challenge course, expanded ballfield, and removal of the tennis courts. In response to these concerns, additional technical studies were completed as follows: topography and grading analysis, storm water control and water quality, traffic analysis, geotechnical and seismic study, and wildlife impacts.

Mr. Kost said the Eastgate Park Master Plan was approved by the Parks and Community Services Board on May 9, 2000. The Board recommended approval of all recommendations by the CAC and acquisition of the adjacent 14-acre open space parcel. The recommended master plan includes a community center, enlarged ballfield, children's play area, expanded trail system, storm water pond, challenge course, and roadway improvements. The City acquired Eastgate Park late last year and new signs are in place. The park is currently closed but scheduled to reopen later this month.

Mr. Kost reviewed the proposed next steps:

- Hold a community meeting to discuss proposal.
- Meet with Bellevue Boys and Girls Club to confirm interest in partnership (Meeting scheduled for February 5).
- Approve consultant contracts associated with environmental issues and site design.
- Complete a thorough SEPA (State Environmental Policy Act) review.
- City Council adoption of master plan.
- Complete conditional use permit (CUP) process for the community center building.
- Complete building and site design.
- Bid and award construction contracts.
- Construction, estimated at 18 months.
- Community Center opening anticipated mid-2006.

Mayor Marshall welcomed Gail Stickles and Pauline Besch from the Lake Heights YMCA Senior Board and Parks Board members in the audience.

Mr. Creighton expressed support for the project as well as ways to expedite the process. Deputy Mayor Degginger is pleased the park will be reopened and improved by the City.

Responding to Dr. Davidson, Mr. Kost said a number of park improvements can move forward while the CUP process for the building is underway including those to the ballfield and trail system.

Mr. Mosher expressed support for expediting implementation of the master plan. Mayor Marshall would like to retain the tennis courts for the community if a detention vault could be built instead of a detention pond. She looks forward to the ballfield improvements and requested a porta-potty near the field.

3. Council Business [Agenda Item 6 from Regular Session agenda]

Mr. Noble noted the Council Retreat held over the previous weekend to discuss long-range planning and priorities. He attended a meeting of the Eastside Human Services Forum.

Dr. Davidson attended the Cascade Water Alliance meeting.

Mr. Creighton announced a Downtown Implementation Plan Citizen Advisory Committee meeting to be held at 4:00 p.m. on February 4.

Mr. Lee wished everyone a Happy Chinese New Year and read a related message from President Bush.

Mr. Mosher met with the Governor and Lt. Governor regarding the Tri-Association Package, which addresses revenue flexibility and efficiency measures for cities and counties.

Deputy Mayor Degginger chaired the Cascade Water Alliance meeting.

Mayor Marshall read a message from a business owner along NE 20<sup>th</sup> Street praising the Police Department's response to an armed robbery at his store. She read thank-you letters to Council and the City from children who recently participated in a civics project. Dr. Davidson attended a recent neighborhood meeting sponsored by the Police Department and commended them for an outstanding job of communicating with the public.

At 7:45 p.m., Mayor Marshall announced recess to the Regular Session.

Myrna L. Basich  
City Clerk

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